



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CEPR-P (715)

19 February 2003

MEMORANDUM FOR ALL USACE COMMANDS (DIRECTORS/CHIEFS OF CONTRACTING)

SUBJECT: PARC Instruction Letter (PIL) 2003-06, Security Contract Language for all Corps of Engineers' Unclassified Contracts

1. There are serious security concerns regarding foreign nationals (non-US citizens) being hired to work on unclassified USACE contracts without proper approval and identification as described in Engineer Regulation (ER 380-1-18, "Technology Transfer, Disclosure of Information and Contacts with Foreign Representatives", dated 1 August 1996). Specific requirements set forth are:

a. "Title 8, U.S. Code 1324a, makes employment of an unauthorized alien unlawful; this includes use of labor through contract(s). It is the local Commander's responsibility to verify documents establishing the positive identity of potential foreign contractors or subcontractors prior to the hiring of these individuals."

b. "Participation of foreign nationals in classified contracts and in contracts where contractors/subcontractors may come in contact with any information, unclassified or classified, requires approval by HQUSACE or higher." (paragraph 14.e. of ER 380-1-18)

2. Additionally in many instances, non-US citizens are gaining access to our government computer systems, e-mail and networks without the appropriate authorization and security investigations being conducted. This practice is inconsistent with the requirements of AR 380-19 (Information Systems Security), paragraph 2-17 and AR 380-67 (Personnel Security Program, paragraph 3-614.

3. Effective immediately, all solicitations and resulting contracts that require contractor personnel access to Automated Information Systems (AIS), (i.e. stand alone computers, network computers/systems, and e-mail), shall contain contract language as set forth in the enclosure.

4. Additionally, ***all acquisitions for services that require contractor personnel access to AIS shall be written regardless of the contract amount.*** Therefore, Government Purchase Card (GPC) holders are prohibited from acquiring these types of services.


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5. Please ensure that this PIL is disseminated to all GPC cardholders and approving officials.
6. Questions concerning this PIL should be directed to Mr. Roger Adams at (202) 761-5221.

FOR THE COMMANDER:

Encl


BUNNATIVE H. GREENHOUSE
Principal Assistant Responsible
for Contracting

CC: HQUSACE Staff Principals
CECS-OI-FL

Security Contract Language for all Corps of Engineers' Unclassified Contracts

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All Contractor employees (U.S. citizens and Non- U.S. citizens) working under this contract (*to include grants, cooperative agreements and task orders*) who require access to Automated Information Systems (AIS), (stand alone computers, network computers/systems, e-mail) shall, at a minimum, be designated into an ADP-III position (non-sensitive) in accordance with DoD 5220-22-R, Industrial Security Regulation. The investigative requirements for an ADP-III position are a favorable National Agency Check (NAC), SF-85P, Public Trust Position. The contractor shall have each applicable employee complete a SF-85P and submit to the (insert the name and address of the Division/ District) Security Officer within three (3) working days after award of any contract or task order, and shall be submitted prior to the individual being permitted access to an AIS. Contractors that have a commercial or government entity (CAGE) Code and Facility Security Clearance through the Defense Security Service shall process the NACs and forward visit requests/results of NAC to the (insert the name and address of the Division/ District) Security Officer. For those contractors that do not have a CAGE Code or Facility Security Clearance, the (insert the name and address of the Division/ District) Security Office will process the investigation in coordination with the Contractor and contract employees.

- In accordance with Engineering Regulation, ER 380-1-18, Section 4, foreign nationals who work on Corps of Engineers' contracts or task orders shall be approved by the HQUSACE Foreign Disclosure Officer or higher before beginning work on the contract/task order. This regulation includes subcontractor employees. (NOTE: exceptions to the above requirement include foreign nationals who perform janitorial and/or ground maintenance services.) The contractor shall submit to the Division/District Contract Office, the names of all foreign nationals proposed for performance under this contract/task order, along with documentation to verify that he/she was legally admitted into the United States and has authority to work and/or go to school in the US. Such documentation may include a US passport, Certificate of US citizenship (INS Form N-560 or N-561), Certificate of Naturalization (INS Form N-550 or N-570), foreign passport with I-551 stamp or attached INS Form I-94 indicating employment authorization, Alien Registration Receipt Card with photograph (INS Form I-151 or I-551), Temporary Resident Card (INS Form I-688), Employment Authorization Card (INS Form I-688A), Reentry Permit (INS Form I-327), Refugee Travel Document (INS Form I-571), Employment Authorization Document issued by the INS which contains a photograph (INS Form I-688B).

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Classified contracts require the issuance of a DD Form 254 (Department of Defense Contract Security Classification Specification).